

FILED

AUG 15 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 NOEL M. COOK, SBN 122777
2 LINDA JOY KATTWINKEL, SBN 164283
3 OWEN, WICKERSHAM & ERICKSON, P.C.
4 455 Market Street, Suite1910
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10 Attorneys for
11 SANRIO COMPANY, LTD. and SANRIO, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 **CV 14 80 238MISC**

15 DIGITAL MILLENNIUM COPYRIGHT ACT
16 SECTION 512(h) SUBPOENA TO ONLINE
17 SERVICE PROVIDER on behalf of SANRIO
18 COMPANY, LTD., and SANRIO, INC.,

Civil Action No.

**DECLARATION OF LINDA JOY
KATTWINKEL IN SUPPORT OF
REQUEST FOR DMCA SUBPOENA**

19 vs.

20 eBay, Inc.

21 I, Linda Joy Kattwinkel, declare as follows:

22 1. I am counsel for the law firm of Owen, Wickersham & Erickson, P.C. and am
23 duly licensed to practice before all of the Courts of the State of California. I make this
24 declaration based upon my own personal knowledge, except as to those matters which are
25 alleged upon information and belief, and as to those matters I am informed and believe them to
26 be true. If called upon to testify I could and would do so competently. I make this declaration in
27 support of the request by my clients Sanrio Company, Ltd. and Sanrio, Inc. ("Sanrio") for the
28 clerk of the Northern District of California to issue the subpoena attached hereto, pursuant to the
Digital Millennium Copyright Act (DMCA), 17 U.S.C. § 512(h).

2. I am intellectual property counsel for Sanrio Company, Ltd. and its wholly-owned
subsidiary, Sanrio, Inc., and am duly authorized by Sanrio to make this request on Sanrio's
behalf.

1 3. Sanrio is the creator and owner of U.S. copyrights protecting the famous HELLO
2 KITTY character artwork.

3 4. On information and belief, on August 13, 2014, Sanrio submitted to eBay, Inc. the
4 DMCA take-down notice attached to the requested subpoena ("DMCA Notice") pursuant to 17
5 U.S.C. Section 512(C)(3)(A) regarding unauthorized copies of HELLO KITTY jewelry posted
6 on www.ebay.com by a seller identified as "jewelryunlimited786."

7 5. On information and belief, the DMCA Notice was delivered through eBay's
8 VeRO (Verified Rights Owner) online reporting program.

9 6. On information and belief, upon receipt of the VeRO response from eBay Inc.,
10 Sanrio requested the identity of the seller displaying counterfeit copies of HELLO KITTY
11 jewelry. eBay, Inc. has not provided such information and has stated that it requires a subpoena
12 to do so.

13 7. The sole purpose for which the requested subpoena is sought is to obtain the
14 identities of the alleged infringers described in the DMCA Notice and such information will only
15 be used for the purpose of protecting Sanrio's copyrights under the DMCA. In particular, Sanrio
16 seeks information that will lead to identification of the manufacturing source of the counterfeit
17 goods that were offered for sale by the seller, so that Sanrio can take steps to enforce its
18 copyrights and stop the manufacture, sale, distribution, and/or importation of such counterfeits.
19 See U.S.C. 17 §§ 106, 501 et seq., 602.

20 I declare under penalty of perjury under the laws of the United States of America and the
21 State of California that the foregoing is true and correct.

22 Executed this 15th day of August, 2014 at San Francisco, California.

23
24 OWEN, WICKERSHAM & ERICKSON, P.C.

25
26 By: 

Linda Joy Kattwinkel

27 Attorneys for SANRIO COMPANY, LTD.
28 and SANRIO, INC.

Yumi Suemori

From: vero@ebay.com
Sent: Wednesday, August 13, 2014 2:01 PM
To: Yumi Suemori
Subject: Item(s) infringe copyrights (e.g., a bootleg recording of live performance, pirated copy of media such as software or movies, or unlawful copy of copyrighted works such as text, paintings, or sculptures).: jewelryunlimited786 #

Date: Aug-13-14 14:00:58 PDT
Notice of Claimed Infringement

Dear eBay:

I, the undersigned, state UNDER PENALTY OF PERJURY that:

I am the owner, or an agent authorized to act on behalf of the owner of certain intellectual property rights ("IP Owner");

I have a good faith belief that the listing identified below (by item number) offer items or contains materials that are not authorized by the IP Owner, its agent, or the law, and therefore infringe the IP Owner's rights; and

The information in this notice is accurate.

Please act expeditiously to remove the following listings.

Item Number(s):
130848647182;130964750868;121043027921;400441692238;121114800319;121159251024;400311675782;400375307603;

List (or representative list) of works infringed:

9042 Item(s) infringe copyrights (e.g., a bootleg recording of live performance, pirated copy of media such as software or movies, or unlawful copy of copyrighted works such as text, paintings, or sculptures).

I may be contacted at:
570 Eccles Ave.
South San Francisco, CA 94080
Telephone: 650 952 2880

Truthfully,
Sanrio_Co._LTD Yumi_Suemori

Hi, Sanrio Co., Ltd.

Daily Deals

Sell

Customer Support

DEAL FRENZY
UP TO 70% OFF

My eBay

Shop by
category

All Categories



VERO REPORTING TOOL

1. SELECT A COUNTRY

2. SELECT LISTINGS

3. REPORT LISTINGS

VeRo Reporting Tool

Items for Sale by jewelryunlimited786 (12642)

After viewing this seller's listings, check the box next to each listing you want to report as infringing your intellectual property rights. You can select up to 250 listings from multiple pages. When you are finished, select **Report Listings** to go to the next step. [Learn more](#)

[Return to country selection page.](#)

kitty

Related Searches: **hello kitty**, **kitty doll**, **hello kitty bag**, **cat**, **kitty bag**, **bag**, **hello kitty iphone 4 case**

Include title and description

Refine search

8 results found for **kitty**




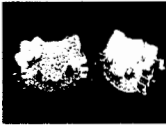
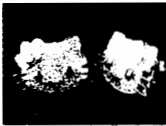

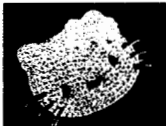
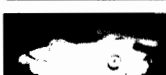
Categories

Report Listings 8 items selected, 0 previously selected items.

Jewelry & Watches (8)

Fine Jewelry (8)

Fashion Jewelry (1)

			Price	Shipping to 94080	Time Left
	10K Womens Yellow Gold Hello Kitty White Diamond Blue Amethyst Stud Earrings One-day shipping available	\$549.99	\$479.99	Free	2d 4h 14m
	New Ladies White Gold Finish White Diamond Pink Sapphire Hello Kitty Fashion Ring One-day shipping available	\$209.99	\$149.99	Free	3d 20h 53m
	White Gold finish Hello Kitty Fashion Genuine Diamond Designer Ring 1/4 Ct One-day shipping available	Compare at \$799.96 \$349.99	\$799.96 \$199.99	Free	5d 22h 56m
	WOMENS PINK HELLO KITTY DIAMOND SAPPHIRE STUD EARRINGS One-day shipping available	\$549.99	\$449.99	Free	19d 21h 15m
	WOMENS PINK HELLO KITTY DIAMOND SAPPHIRE STUD EARRINGS One-day shipping available	\$549.99	\$299.99	Free	20d 21h 38m
	Ladies 10K White Gold 1.5 Inch Diamond XL Hello Kitty Pendant Charm 3 Ct 1.5 Inches with 3.50 Ct of diamonds. One-day shipping available	\$2,049.99	\$1,349.99	Free	25d 6h 22m
	LADIES WHITE GOLD FINISH HELLO KITTY DIAMOND FASHION SLIDE PENDANT CHARM 1.50 CT One-day shipping available	\$549.99	\$549.99	Free	28d 8h 22m
	10K New Ladies White Gold Hello Kitty Fashion Designer White Diamond Ring 1/4 Ct One-day shipping available	\$369.99	\$369.99	Free	29d 6h 8m

Report Listings 8 items selected, 0 previously selected items

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August 15, 2014

United States District Court
Northern District of California
Clerk's Office – 16th Floor
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Re: DMCA Subpoena & supporting documents

Dear Sir/Ms.:

Attached please find the original and one copy of the following documents:

Subpoena to Produce Documents, Information, or Objects etc.
Declaration of Linda Joy Kattwinkel in Support of Request for DMCA Subpoena

Also enclosed is our check in the amount of \$46.00 and a postage paid return envelope.

At such time as the subpoena is issued, please return it to us in the envelope provided for the Court's convenience.

Please let us know if you have questions or require additional information. Thank you for your assistance.

Kind regards,

Jessica D. Rhodes
Assistant to Noel M. Cook,
Linda Joy Kattwinkel, and Lindsey B. Furtado

JDR:ms

Encls.

SANRI 90001

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